

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSEPH B. GLICK, individually and as
representative of a class of participants
and beneficiaries of the ThedaCare
Retirement and 403(b) Savings Plan,

Plaintiff,

v.

Case No. 20-C-1236

THEDACARE, INC., et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On October 27, 2022, Magistrate Judge Stephen C. Dries recommended that I grant the defendants' motion for partial reconsideration, grant the defendants' motion to dismiss the plaintiff's amended complaint in its entirety, and grant the plaintiff leave to file a second amended complaint. The parties have not filed objections to this recommendation. After careful consideration of the Report and Recommendation, as well as the record as a whole, the court adopts the Report and Recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that Magistrate Judge Dries' Report and Recommendation (Dkt. No. 44) is **ADOPTED**.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, the defendants' motion for partial reconsideration (Dkt. No. 39) and motion to dismiss (Dkt. No. 17) are **GRANTED**. The amended complaint fails to state a claim upon which relief can be granted and is dismissed for that reason. The dismissal is without prejudice, however, and the plaintiff will be allowed 30 days from the date of this order in which to file a second

amended complaint. If no amended complaint is filed within the time allowed, the case will be dismissed.

Dated at Green Bay, Wisconsin this 14th day of November, 2022.

s/ William C. Griesbach
William C. Griesbach
United States District Judge